

Docket No.: 1254-0298PUS1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Takashi HIRAO et al.

Application No.: NEW

Confirmation No.: N/A

Filed: November 15, 2005

Art Unit: N/A

For: QUANTITATIVE PCR METHOD OF  
DETECTING SPECIFIC PLANT GENUS IN  
FOOD OR FOOD INGREDIENT

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Examiner: Not Yet Assigned

**PETITION UNDER 37 C.F.R. § 1.84(A)(2)**  
**TO ACCEPT COLOR DRAWINGS AND/OR PHOTOGRAPHS**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions that color drawings under 37 C.F.R. § 1.84(a)(2) be accepted in the above-identified application.

Color drawings are necessary as they are the only practical medium by which the subject matter of the present application can be disclosed. Three (3) sets of color drawings are provided, and are believed to be of sufficient quality that all details will be reproducible in black and white in the printed patent.

It is noted that black and white photocopies of any color drawing or photograph are no longer required under 37 C.F.R. § 1.84(a)(2)(iii) as of October 1, 2001.

11/21/2005 ATRAN1 00000153 10556903

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130.00 0P

Amendment to the Specification

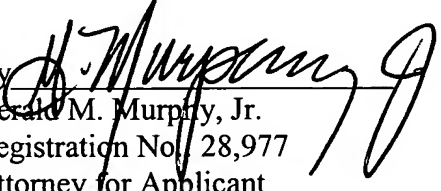
Preliminary Amendment is being submitted concurrently herewith, providing reference to the color drawings in the first paragraph of the brief description of the drawings.

The required fee under 37 C.F.R. § 1.17(h) is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: November 15, 2005

Respectfully submitted,

By   
Gerald M. Murphy, Jr.  
Registration No. 28,977  
Attorney for Applicant

Attachment(s)

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FEE</b> <b>Under 37 CFR 1.17(f), (g) &amp; (h)</b> <b>TRANSMITTAL</b> (Fees are subject to annual revision)  <b>Send completed form to:</b> MS Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	<b>Application Number</b>	NEW
	<b>Filing Date</b>	November 15, 2005
	<b>First Named Inventor</b>	Takashi HIRAO
	<b>Art Unit</b>	N/A
	<b>Examiner Name</b>	Not Yet Assigned
	<b>Attorney Docket Number</b>	1254-0298PUS1

Enclosed is a petition filed under 37 CFR 1.84 that requires a processing fee (37 CFR 1.17(f)), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees).

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 02-2448 :

☐ Petition fee under 37 CFR 1.17(f), (g) or (h) ☒ Any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☒ Check in the amount of \$ 2,520.00 is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

§ 1.53(e) – to accord a filing date.

§ 1.57(a) – to accord a filing date.

§ 1.182 – for decision on a question not specifically provided for.

§ 1.183 – to suspend the rules.

§ 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.

§ 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

§ 1.12 – for access to an assignment record.

§ 1.14 – for access to an application.

§ 1.47 – for filing by other than all the inventors or a person not the inventor.

§ 1.59 – for expungement of information.

§ 1.103(a) – to suspend action in an application.

§ 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.

§ 1.295 – for review of refusal to publish a statutory invention registration.

§ 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.

§ 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.

§ 1.550(c) – for patent owner requests for extension of time in ex parte reexamination proceedings.

§ 1.956 – for patent owner requests for extension of time in inter partes reexamination proceedings.

§ 5.12 – for expedited handling of a foreign filing license.

§ 5.15 – for changing the scope of a license.

§ 5.25 – for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

§ 1.19(g) – to request documents in a form other than that provided in this part.

§ 1.84 – for accepting color drawings or photographs.

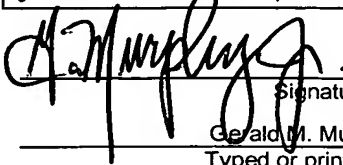
§ 1.91 – for entry of a model or exhibit.

§ 1.102(d) – to make an application special.

§ 1.138(c) – to expressly abandon an application to avoid publication.

§ 1.313 – to withdraw an application from issue.

§ 1.314 – to defer issuance of a patent.

  
 Signature  
 Gerald M. Murphy, Jr.  
 Typed or printed name

November 15, 2005

Date

28,977

Registration No., if applicable

FIG.5A

Amplification Plot – Quantitative PCR for Buckwheat Sequence – A Variety of Plants

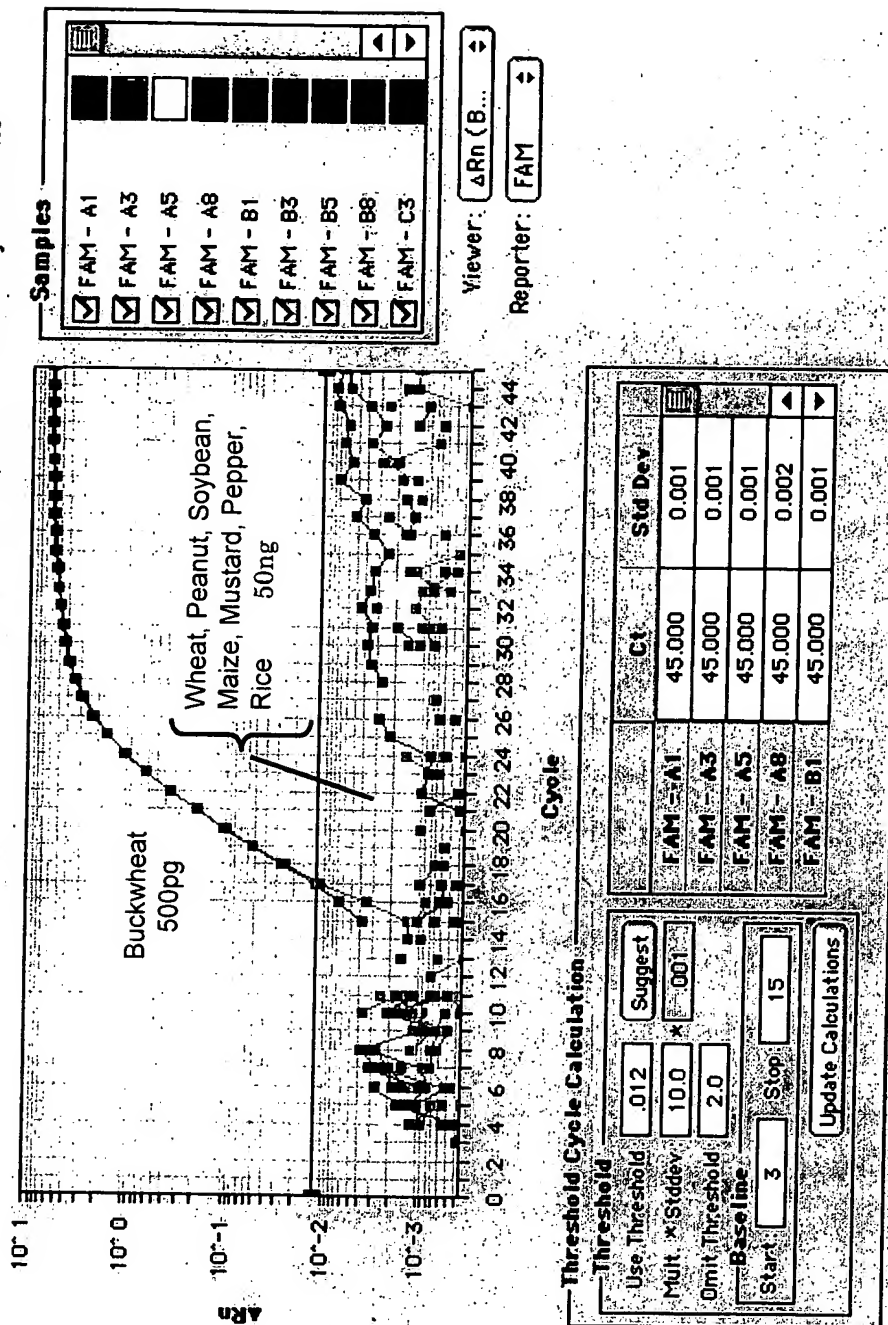


FIG.5B

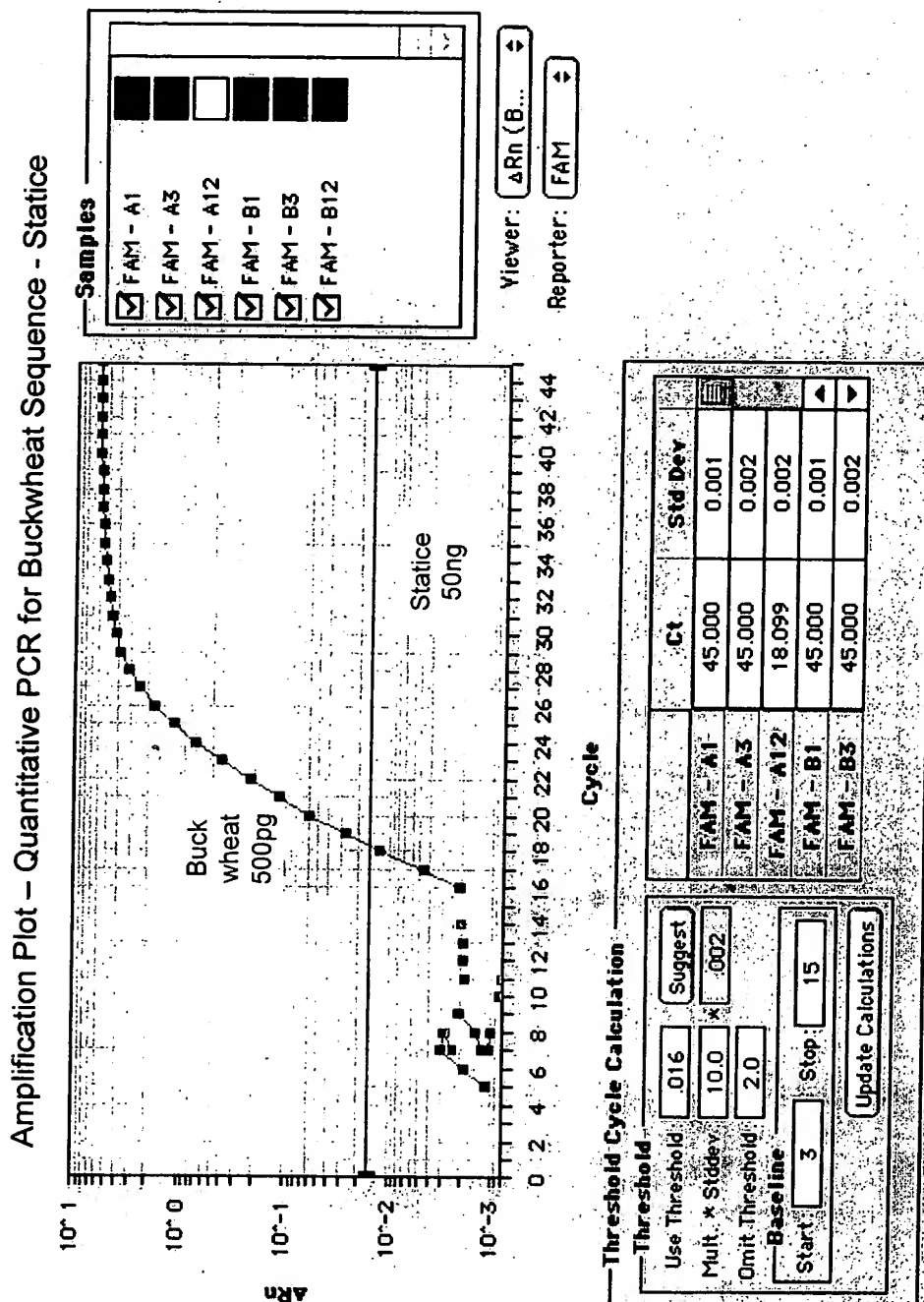


FIG.6

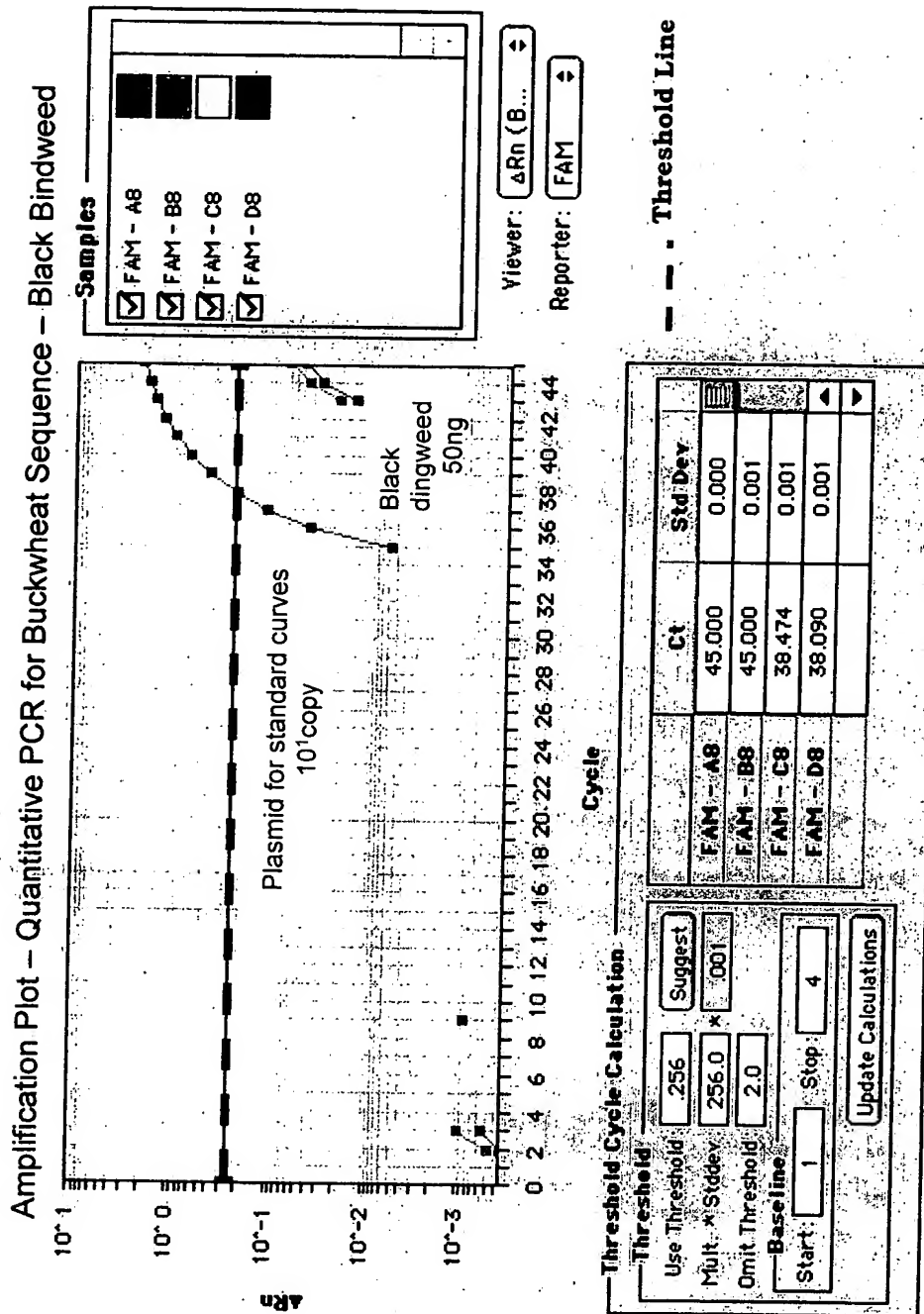


FIG.7

Amplification Plot – Quantitative PCR for Buckwheat Sequence – Plasmid for Standard Curves

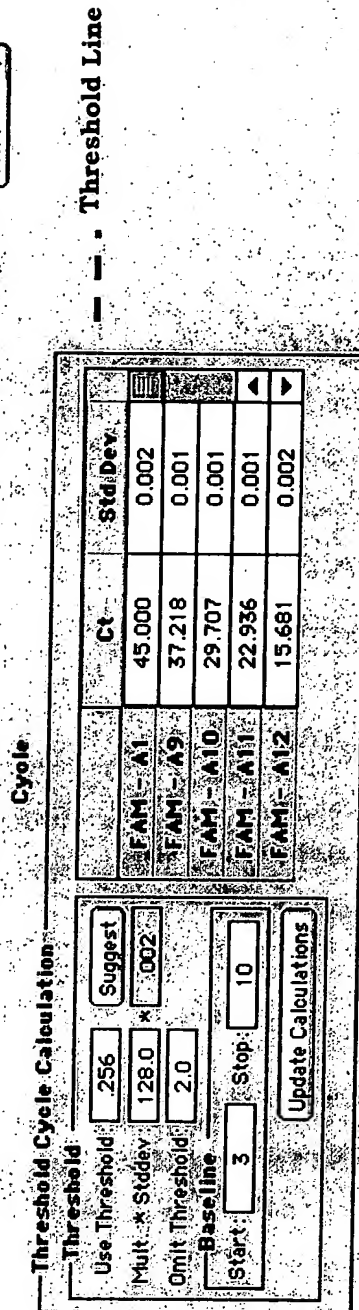
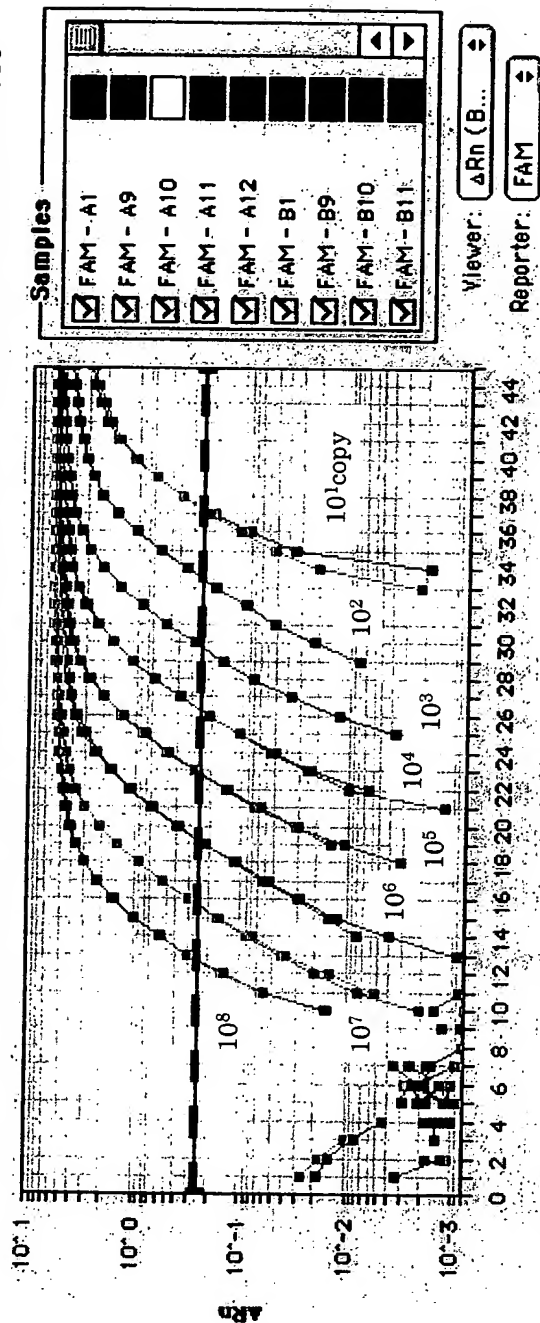


FIG.8

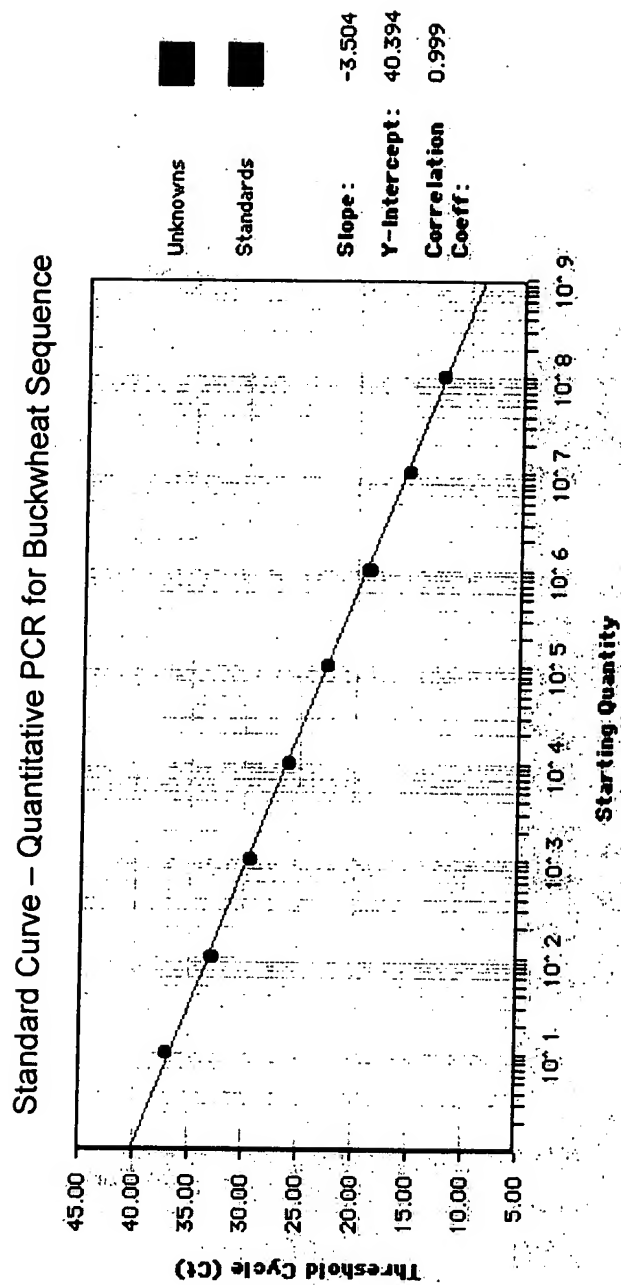
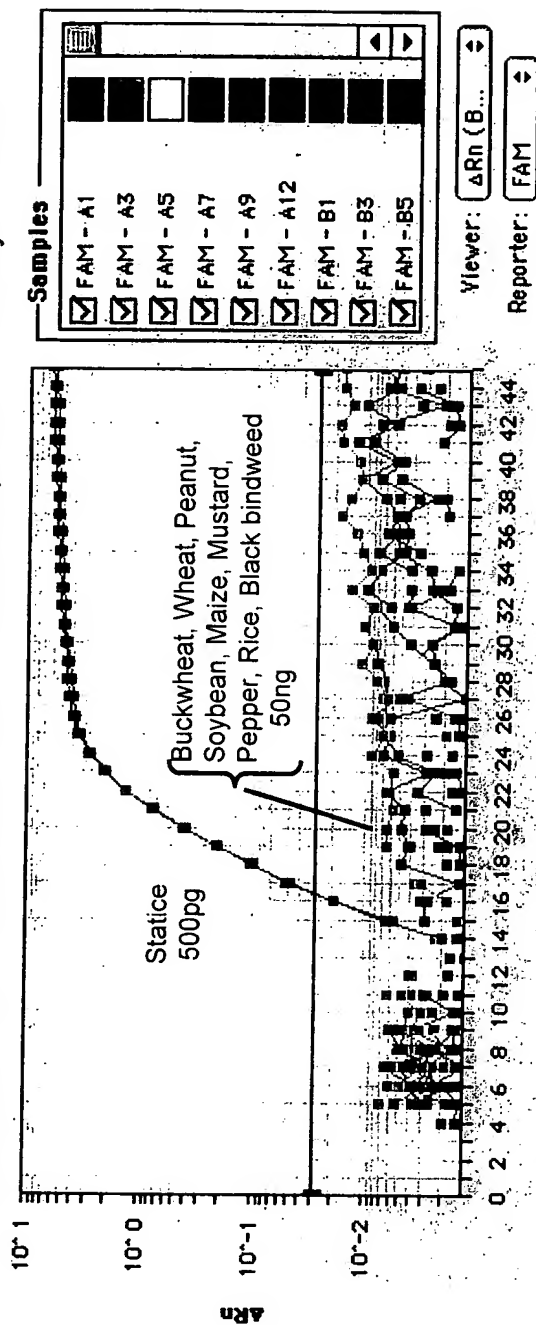




FIG.9

Amplification Plot – Quantitative PCR for Statice Sequence – A Variety of Plants



**Threshold/Cycle Calculation**

**Threshold**

Use Threshold:

Mult. \* Stddev:  \*

Omit Threshold:

**Baseline**

Start:  Stop:

	Ct	Std. Dev.
FAM - A1	45.000	0.004
FAM - A3	45.000	0.004
FAM - A5	45.000	0.003
FAM - A7	45.000	0.003
FAM - A9	45.000	0.002

FIG.10

Amplification Plot – Quantitative PCR for Static Sequence – Plasmid for Standard Curves

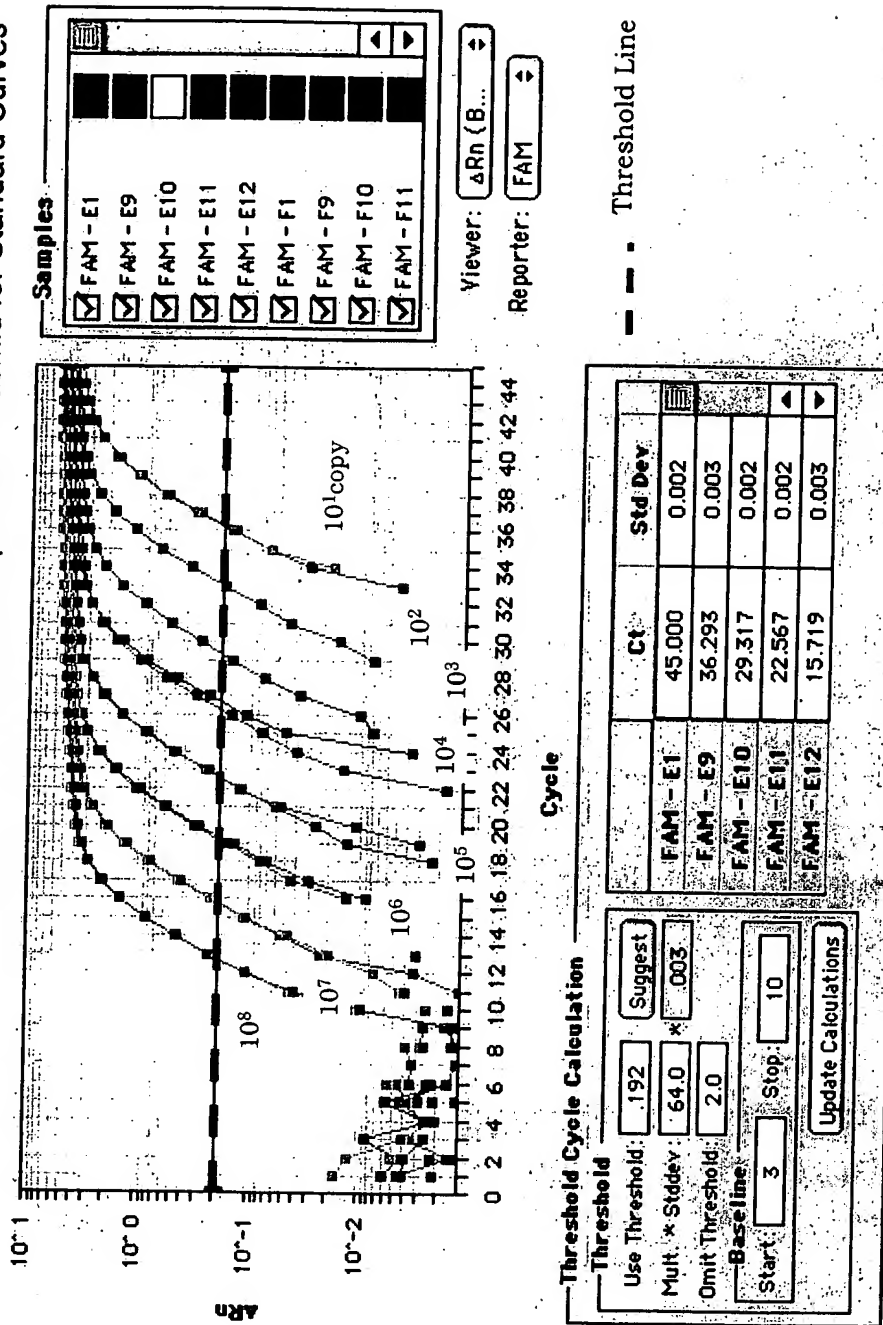


FIG.11

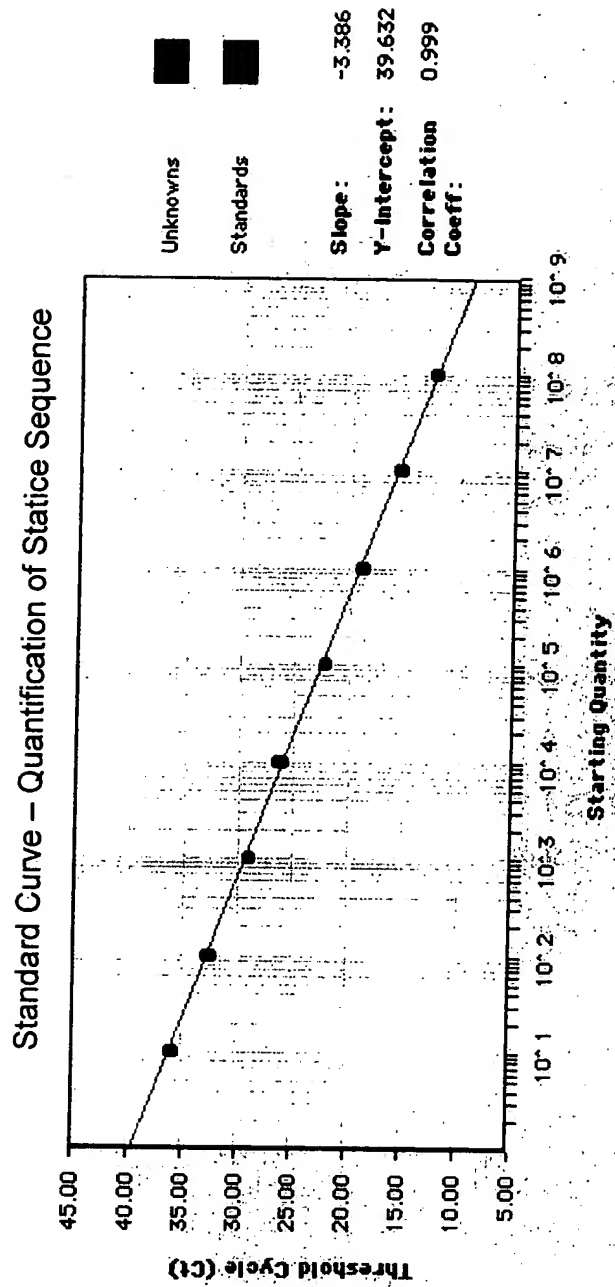


FIG.15

